

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN UNIVERSITY OF ANTIGUA
COLLEGE OF MEDICINE,

Plaintiff,

Case No. 10-10978
Honorable Patrick J. Duggan

v.

STEVEN L. WOODWARD,

Defendant.

**OPINION AND ORDER DENYING AS MOOT PLAINTIFF'S DEMAND FOR AN
AMENDED ANSWER AND GRANTING PLAINTIFF'S MOTION TO ADJOURN
SCHEDULING ORDER DATES**

On March 11, 2010, Plaintiff American University of Antigua College of Medicine ("Plaintiff") filed this lawsuit against Defendant Steven L. Woodward ("Defendant"), seeking to shut down Defendant's internet website with the domain name www.aua-med.com. Presently before the Court is Plaintiff's "Demand for an Amended Answer and Motion to Adjourn Scheduling Dates," filed October 11, 2010. On October 15, 2010, Defendant filed an answer to Plaintiff's complaint and a response to Plaintiff's motion to adjourn scheduling dates. On October 27, 2010, Defendant filed a motion for protective order to preclude Plaintiff's from conducting any depositions arguing that discovery has closed in this matter.

As Defendant has now filed an answer, Plaintiff's "demand" for an answer is moot. For the reasons that follow, the Court grants Plaintiff's motion to modify the existing

scheduling order. Accordingly, Plaintiff's motion for protective order also is moot.

At a scheduling conference on April 14, 2010, this Court entered a scheduling order setting forth the following deadlines: discovery due by September 15, 2010; dispositive motion cut-off set for October 1, 2010; final pretrial conference set for November 16, 2010; and trial set for the Court's November/December 2010 trial docket. (Doc. 7.) Shortly thereafter, on April 19, 2010, the Court stayed this action until the end of June 2010, due to Defendant's plans to be out of the country for work. After the stay was lifted, Plaintiff moved for a clerk's entry of default which was entered on July 16, 2010. Defendant subsequently moved to set aside the default, which this Court granted on October 6, 2010.

In its pending motion, Plaintiff seeks an extension of the dates set forth in the Court's initial scheduling order to allow the parties to conduct discovery and file dispositive motions, if they choose to do so. Plaintiff argues that good cause exists to modify the scheduling order pursuant to Federal Rule of Civil Procedure 16(b). Specifically, Plaintiff points out that no discovery has occurred in this matter because, for a vast majority of the action, there was a stay or Defendant was in default. This Court agrees that good cause exists to modify the order.

Accordingly,

IT IS ORDERED, that Plaintiff's Demand for an Amended Answer is **DENIED AS MOOT**;

IT IS FURTHER ORDERED, that Plaintiff's Motion to Adjourn Scheduling

Order Dates is **GRANTED** and the dates set forth in the scheduling order entered April 14, 2010 are modified as follows: discovery cut-off on December 31, 2010; dispositive motion deadline of January 31, 2011; final pretrial conference on April 18, 2011 at 2:15 p.m.; and trial on the Court's May/June 2011 trial docket;

IT IS FURTHER ORDERED, that Defendant's motion for protective order is **DENIED AS MOOT**.

DATE: November 1, 2010

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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